

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

In re

RECIPROCAL OF AMERICA (ROA)
SALES PRACTICES LITIGATION

Master File No. 04-MD-1551

This Document Relates to:
Civil Action No. 03-2859
03-2705
04-2410

ORDER DENYING AS MOOT MOTION OF DEFENDANTS GEN RE, SEEGER, MIGEL,
KELLOGG AND REINDEL TO DISMISS CONSOLIDATED DOCTOR/CLINIC ACTIONS
FOR LACK OF A PERSONAL CLAIM

Before the Court is the motion of Defendants Gen Re, Seeger, Migel, Kellogg and Reindel for dismissal from actions filed in this multi-district litigation by David Herrick, Christie Clinic, P.C. and Schumacher Group, Inc. for lack of a personal claim. (D.E. 641.) However, subsequent to the filing of the motion, Plaintiffs Herrick and Christie Clinic filed a second amended complaint. (D.E. 753.) Accordingly, the instant motion as to those Plaintiffs is now moot. *See Atchison v. Cruz*, No. 10-10545, 2011 WL 893096, at *6 & n.4 (E.D. Mich. Jan. 24, 2011) (an amended complaint supercedes all prior complaints and a motion to dismiss the previous complaint is rendered moot); *report & recommendation adopted by* 2011 WL 900305 (E.D. Mich. Mar. 14, 2011). Plaintiff Schumacher's claims against these Defendants have been dismissed. (D.E. 933.)

IT IS SO ORDERED this 8th day of November 2013.

s/ J. DANIEL BREEN
CHIEF UNITED STATES DISTRICT JUDGE